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COMMISSION ON HUMAN RIGHTS
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SUMMARY RECORD OF THE 61st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 8 March 1993, at 7 p.m.

Chairman: Mr. BROTODININGRAT (Indonesia)

later: Mr. FLINTERMAN (Netherlands)

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* The summary record of the second part of the meeting appears as document E/CN.4/1993/SR.61/Add.1.

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The meeting was called to order at 7.24 p.m.

RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD;

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN;

(c) PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR;

(d) PROGRAMME OF ACTION FOR THE PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

(item 24) (continued) (E/CN.4/1993/65-66, 67 and Add.1, 86, 95 and 99; E/CN.4/1993/NGO/1; E/CN.4/1992/55 and Add.1; E/CN.4/Sub.2/1992/34 and Corr.1; A/RES/47/112; CRC/C/10)

1. Mr. KHUSRO (India) said that his Government had been closely involved in both legislation and action on the ground to create conditions whereby India's children would enjoy opportunities for the fullest possible development of their human potential, bearing in mind the socio-economic situation prevailing in the country. The perception that the solution of problems relating to children should constitute an important priority was present among the public, welfare and social services organizations and was the guiding factor in national policies.

2. The Indian Constitution prohibited the employment of children under 14 years of age in hazardous occupations and the Child Labour Act of 1986, implemented that constitutional requirement, regulating conditions of work for children. A Child Labour Technical Advisory Committee had been established to advise the Government regarding employment where child labour needed to be further prohibited and action had been taken by the Government in that regard.

3. The Government of India was fully aware that legislation alone was not sufficient to tackle the problem of child labour and had formulated a project-oriented multidisciplinary national policy on child labour in 1987, the major component of which was the setting up of special schools providing education, national training, supplementary nutrition and health care. Wherever necessary, stipends would be given to children taken away from prohibited employment and put into schools in order to compensate them for their loss in earnings; 140 such schools had already been sanctioned. The Government also gave financial assistance to voluntary organizations to undertake action-oriented projects for the welfare of working children with a view to maintaining their health at work, providing supplementary nutrition, non-formal education and vocational training.

4. The Special Rapporteur on the sale of children, child prostitution and child pornography had taken note of new legislation on organ transplantation which penalized abuse and regulated the removal of organs. The Government of India had drafted comprehensive legislation to cover as many aspects as possible of the problems of organ transplants.

5. On the question of child prostitution and traffic in children, the Government of India had enacted comprehensive legislation and followed a policy of vigorous enforcement. The Suppression of Immoral Traffic in Women and Girls Act of 1956 had been further amended in 1978 and 1986 to make the penal provisions more stringent and it covered all persons of all ages exploited sexually or for commercial purposes. Rehabilitation measures had also been instituted under the scheme of Short-Stay Homes for which the Government had been giving grants-in-aid to voluntary organizations. The scheme provided medical care, psychiatric treatment, occupational therapy, facility for adjustment, educational, vocational and recreation facilities. Although the Special Rapporteur on the Sale of Children had observed that the problem of child prostitution persisted in countries of a particular region, it must be recognized that the problem was global and that each State must take steps to stamp it out.

6. India had signed the World Declaration on the Survival, Protection and Development of Children adopted at the 1989 World Summit for Children and had adopted a national plan of action. In December 1992 it had deposited its instrument of accession to the United Nations Convention on the Rights of the Child as a further expression of India's commitment to its children.

7. Mr. PEREZ NOVOA (Cuba) said that it was not only the monstrous nature of the practices of the exploitation and sale of children which should incite the Commission to seek urgent solutions to problems, but the fact that not to do so would be to repudiate the main purpose and raison d'être of the Commission - the full implementation of all human rights for all individuals. How could a future in which individuals enjoyed all their rights be guaranteed if children today were subjected to degrading and inhuman practices? He was referring to the 200 million children who would not grow to adulthood because their labour had been exploited, and because they had been used as a source of organs and subjected to prostitution and pornography, the millions who died from malnutrition and curable diseases and the thousands of street children assassinated by death squads in some parts of the world. According to FAO statistics, approximately 12.9 million children under the age of 5 had died in 1990, most of them from malnutrition. Those children could not enjoy the rights enshrined in the Universal Declaration of Human Rights and the International Covenants on Human Rights when they were denied the right to life.

8. His delegation commended the work of the Special Rapporteur on the sale of children, child prostitution and child pornography but regretted that the fulfilment of his mandate had been restricted due to constraints of resources at a time when the Commission continued to adopt numerous resolutions with considerable financial implications on questions which, although important, did not compare with the violations under discussion.

9. Issues concerning children affected both the wealthy North and the poor South. The supplier-consumer relationship occurring in them could not be ignored; the countries of the South acted as the main suppliers and the countries of the North as the consumers. The Special Rapporteur had also noted that the countries of Eastern Europe were becoming new suppliers. His delegation agreed with the Special Rapporteur that steps needed to be taken in respect of the responsibilities devolving on the consumers and that a special

session of the Commission might possibly be envisaged for the purpose. The fact could not be ignored that delegations which in the course of the Commission's discussions had constantly accused and condemned the South, where it would seem that all human rights violations were committed, gave scant attention to questions relating to children and endeavoured to evade their share of the responsibility. Countries which had shown so much concern about alleged human rights violations and the cooperation which should be given to the Commission's machinery and procedures and which had sponsored resolutions for unscrupulous motives, had not deigned to answer the Special Rapporteur's questionnaire on the sale of children's organs.

10. It was a fact that the source of children for adoption or for the repulsive practices of prostitution and pornography was by and large the South. It was also a fact that the socio-economic situation of those countries meant that it was there that the majority of the world's illiterates, beggars, malnourished persons, homeless and unemployed and its marginalized and exploited inhabitants lived; the causes and origins of that situation could not be denied.

11. Governments must not be excused their share of the responsibility for the practices referred to, but the effects on their peoples which the legacy of the colonial system, the unfair international economic order, the weight of the external debt and the conditions imposed by the international financial institutions on undeveloped countries should not be ignored either. If it was not the dramatic socio-economic situation that led to those degrading practices, how could one explain that countries like Poland, the Russian Federation and Albania which had so readily embraced neo-Liberal politics and the market economy, were also labelled in the Special Rapporteur's report as suppliers of children for sale?

12. Supply could not exist without demand and it was the countries of the North which stimulated and protected that degrading traffic. It was the corneas and kidneys of third world children which met the demands of the rich countries and it was their innocent bodies which were exhibited in pornographic reviews and films in North America and Europe.

13. Flagrant and massive violations of the rights of children also occurred in those wealthy and developed countries. According to an ILO document, more than 500,000 children in the United States were working on farms in California. Another source indicated that there were 250,000 children living below the poverty threshold and 110,000 homeless children in the city of New York; that hundreds of thousands of children became drug addicts or delinquents or were the victims of street violence, or might be subjected to the "impartial" justice of the United States which even sentenced minors to death. Paragraphs 50 to 56 of the report of the Special Rapporteur (E/CN.4/1993/67) described the illegal sale of foreign children for the purposes of adoption in the United States. It was fortunate that newcomers on the political scene, particularly women, in that country had shown concern at the evils afflicting American society and had paved the way for projects which might eliminate some of them.

14. In Europe, child pornography and prostitution were also lucrative businesses (E/CN.4/1993/67, paras. 189, 202 and 208), and yet those countries

saw fit to judge the human rights situation in the rest of the world. It might be asked what moral right they had to make development aid conditional on compliance with specific human rights parameters, applied selectively.

15. Thirty-five years earlier, Cuba might well have been cited in the Special Rapporteur's report since the practices it described had existed in Cuba when it was dependent on the United States of America. The fact that Cuba was not faced with that monstrous social phenomenon was due to the political, economic and social changes which had taken place after the Revolution, which had enabled Cuba to build a society in which children enjoyed all their rights, where all children received education, shelter and food and where hunger, malnutrition, illiteracy and many diseases had been eliminated; child mortality was only 10.2 per thousand.

16. His delegation fully supported the Special Rapporteur's conclusions and recommendations and urged the Commission to devote more time and more resources to enable the latter to carry out his mandate.

17. Mr. BASTA (United Nations Children's Fund) said that in several countries the world was witnessing gross abuses of the right of the child to security, to education, to shelter and to food as well as the killing of children and their exposure to unspeakable acts of violence. Schools and clinics were being destroyed, teachers and health workers targeted and UNICEF staff killed while trying to carry out the mandate given them by the Commission.

18. Although some of the ideas put forward in 1992 about children in armed conflict had been reflected in United Nations resolutions, and despite the pioneering missions of Mr. Mazowiecki, the United Nations Special Rapporteur on the human rights situation in the territories of the former Yugoslavia, violations continued to take place. The decision of the Security Council to establish an international tribunal to deal with the violations of women and children in the former Yugoslavia was a further step forward. The Executive Director of UNICEF had also written to the Under-Secretary-General for Human Rights to express the outrage which UNICEF felt regarding the plight of women and children in that country. In that letter, he said that of the 41 articles in Part I of the Convention on the Rights of the Child, 17 had been breached in whole or in part by the events in the former Yugoslavia (including articles 2, 3, 6, 19, 27, 34 and 37 to 39). Other alleged violations of the Convention also contravened provisions of other major international human rights instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention against Torture, the Convention on the Elimination of Racial Discrimination and the Convention on the Prevention and Punishment of the Crime of Genocide.

19. At the World Summit for Children, Governments had endorsed the concept of children as a zone of peace and committed themselves to further developing innovative forms of protection for children in war situations. In the Plan of Action, leaders had acknowledged that children needed special protection in situations of armed conflict and that resolution of a conflict need not be a prerequisite for measures explicitly to protect children and their families and to deal with trauma resulting from violence.

20. Unspeakable atrocities had occurred far from the public eye and the media although they were well documented in the reports by some of the United Nations agencies and non-governmental organizations. The public outcry that had arisen in defence of children victimized in the former Yugoslavia was equally warranted in a number of other situations. It was critical that the sentiment generated by the horrible events in that country should be transformed into the means to deter any such actions in the future. Of the recommendations made in respect of the former Yugoslavia, UNICEF found the following of particular importance: all victims of rape must have access to complete medical, psychological and psychiatric care and programmes of social reintegration must also be available; children who suffered trauma as a result of witnessing rape or mistreatment must have access to medical and emotional support; special attention must be paid to infants born as a result of rape so as to avoid the stigmatization of, or trafficking in, such babies; all refugees and displaced persons should have the right to primary health care; upon the cessation of hostilities there should be courses for local trainees in counselling those who had suffered rape, violence and trauma; peace education programmes should be instituted; the United Nations agencies and other international organizations should develop a cadre of female human rights monitors; all blockades of humanitarian aid supplies must be lifted immediately; the act of rape should be designated a war crime; and the United Nations, through the Centre for Human Rights, should monitor the situation even after hostilities had ceased.

21. An even worse emergency existed, affecting the human rights of still more children; its roots lay in poverty, ignorance, unfair terms of trade and selfishness and killed 35,000 children daily. Those reasons were not sufficient and must not be allowed to be excuses for inaction in respect of children's rights to survival and development. Poor children needed as much protection as rich children. A selective reallocation of national expenditures, in most countries part of the expenditures on military defence, might be sufficient to halve that daily total. It was in the Commission's power to ensure that budgets, resources and the objective targeting of diseases, malnutrition and deprivations were done with the same speed and resourcefulness with which snipers killed young children. Money allocated to prestigious undertakings and reserved for arms and aggression took funds away from programmes that could save the lives and protect the ultimate development of millions of children. If there had been universal neglect of children, there was equally universal responsibility to correct it.

22. The stupidity of ethnic cleansing, the selfish acquisition of others' territory, the closing of roads and borders to humanitarian convoys and to the free passage of goods, ideas, people and trade, did not only occur in parts of the former Yugoslavia but were present in many of the countries which condemned the practices taking place in that country. It was to be hoped that in the United Nations the hatreds and poison of the ex-Yugoslavia would lead to the rapid formulation of a potent medicine that would cure and prevent the other scores of visible and invisible ex-Yugoslavias in the world.

23. Mrs. RUESTA (Venezuela), referring to the status of the Convention on the Rights of the Child (item 24 (a)), expressed her delegation's satisfaction that 127 States had already ratified the Convention. However, information was lacking in the report of the Committee on the Rights of the Child (CRC/C/10)

which did not state how many States had submitted reports, what problems had been encountered by States which had not submitted reports and what difficulties they had had in implementing specific articles.

24. The Committee had given special importance to the implementation of articles 37 and 40, had nothing to say about children who infringe the penal law, nor did it contain information on the implementation of the articles referring to the situation of abandoned children, refugee children, or the articles referring to economic, social and cultural rights. The Committee had, however, decided to devote some of its scarce time to children in armed conflicts and to the economic exploitation of children, which had already been appropriately dealt with by the Special Rapporteur on the sale of children, child prostitution and child pornography; the latter topic was also a speciality of the International Labour Office. At a time of scarce economic and human resources, it seemed essential to avoid any form of duplication.

25. Her delegation, however, considered the concern of the Committee on the Rights of the Child with data-processing to be of great interest for all human rights machinery.

26. Her delegation also shared the Committee's concern regarding reservations and declarations in respect of the Convention on the Rights of the Child and the opinion that the Convention established an overall approach to the rights of the child, which meant that all rights were interrelated. While it was true that certain reservations and declarations could be interpreted as restricting the provisions of the Convention, others contributed to strengthening the standards contained in it.

27. Her delegation joined the Committee in requesting the Secretary-General to give priority to the conclusion and publication of the preparatory work to the Convention. Its true sense for those who had to interpret and implement it would only emerge in the light of the discussion which had taken place when its provisions were being drafted.

28. The Venezuelan delegation also supported reflections on the possibility that the machinery of implementation of the Convention should be increased from 10 experts to 18. That would be justified by the diverse legal systems of the 127 countries which had ratified the Convention and the expanded mandate of the Committee.

29. Turning to sub-items (b), (c) and (d), she said that the documents provided on those subjects offered a dramatic panorama of the systematic human rights violations committed against children throughout the world, and it might be time to strengthen the mandate of UNICEF so that it could address such abuses more effectively.

30. Her delegation was particularly concerned about the sale of children for adoption, a phenomenon that differed from the exploitation of child labour, the transplantation of their organs, child prostitution and pornography in that in those cases, the child was sold for criminal reasons, whereas in the case of adoption the purpose was in principle a noble one and was thought to be the most appropriate way to help a child with no family.

31. According to the Convention on the Rights of the Child, adoption must be in the best interests of the child. However, given the demand for children for adoption in countries with declining birth rates and the poverty in developing countries, internationally organized criminal groups had become involved in adoptions, reaping profits in the millions; indifferent to the need to find appropriate adoptive parents for adoptable children, they exposed children to grave harm, selling them to be used as cheap labour or prostitutes or for organ transplants. Such practices totally distorted the objective of adoption as an institution which, when properly applied, constituted the best way to protect children deprived of a family.

32. Her delegation agreed in principle with the remarks of the Special Rapporteur with regard to the sale of children for adoption, apart from his comments on article 21 of the Convention. In the view of Venezuela, paragraphs (b) and (d) of article 21 could be misconstrued and were thus dangerous. That view was shared by the Working Group on Contemporary Forms of Slavery, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and a number of non-governmental organizations. Furthermore, paragraph (b) recognized that inter-country adoption might be considered as an alternative means of the child's care; that clearly distorted the nature of the institution of adoption. In addition, paragraph (d) allowed persons participating in international adoption to derive financial gain; that was unacceptable, because it made the child a piece of merchandise. Her delegation was therefore unable to agree with the Special Rapporteur that that provision ensured safeguards for intercountry adoption. Such passages could cause adoption to lose its prestige and might well induce countries to refuse to allow international adoption to take place. That would be prejudicial to the children concerned, because in some cases, adoptive parents from other countries were more suitable.

33. Her delegation supported the suggestion of the Working Group on Contemporary Forms of Slavery that the Centre for Human Rights should be provided with an expert on the rights of the child to serve as a liaison for all the relevant bodies within the Centre for Human Rights. It also agreed with the proposal of the Committee on the Rights of the Child that the subject of children's rights should be considered in depth at the World Conference on Human Rights.

34. In closing, she regretted that not all documents had been ready on time in Spanish; that had hampered her delegation's consideration of the subject.

35. Mr. PALACIO SERRANO (Observer for Spain) said that his delegation subscribed fully to the remarks made by Denmark on behalf of the European Community and its member States.

36. Nowhere was the interdependence between civil and political rights and economic, social and cultural rights so clear as in the case of children. While socio-economic problems could explain, although not justify, certain human rights violations committed against children, it was equally true that such abuses took place in all countries of the world, including those with the highest standard of living. Programmes must be adopted to improve education, health and employment opportunities so as to alleviate the terrible conditions in which children and their families lived in many parts of the world.

37. In the context of human rights violations against children, there were two areas of particular concern to his delegation. Firstly, Spain drew the Commission's attention to the children of economic emigrants. Such children were either left behind by their parents, which often traumatized them, or, if they accompanied them, they were immersed in alien and hostile societies, and they often became victims of racism and xenophobia.

38. The other situation regarded the widespread phenomenon of so-called "street children", the victims of alienation and poverty. Spain was participating in the European Community initiative to submit a draft resolution on the situation of "street children", which it hoped would be adopted by consensus for the second consecutive year.

39. His delegation was concerned about the distressing phenomena of child pornography and prostitution and the sale of children for adoption, marriage and organ transplants or to exploit their labour. Firm national and international action was needed to eliminate those abhorrent practices. In that context, his delegation supported the work of the Special Rapporteur on the sale of children, child prostitution and child pornography, and the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography. The developed countries must stop being hypocritical about that issue: the fact that children were engaged in prostitution in poor societies was due only to the strong demand from certain sectors of the industrialized countries.

40. It was not enough merely to allude to children whose rights were violated as a result of socio-economic circumstances or inadequate development in their country. The world must wake up to the violence that affected children, especially in societies that regarded themselves as industrialized. The brutality of children towards each other, the murder of children and young persons and the rejection by society of children with the AIDS virus illustrated the growing violence against children, which would have unforeseeable consequences in the future.

41. His delegation focused on two particularly serious examples of indiscriminate violence against children. In the case of armed conflicts, whether in the Balkans or in other parts of the world, the very lives of children were at stake. In that context, Spain had launched a programme of assistance to families displaced from the territory of the former Yugoslavia so that children could have a chance to live in peace with their families. In the case of children who themselves or whose families had been the victims of terrorism, such acts of violence interfered with a child's right to become a physically and emotionally healthy adult, free of hatred and prejudice.

42. Ms. PENNEGARD (Observer for Sweden), speaking on behalf of the Nordic countries, said that despite the accession of more than 120 States to the Convention on the Rights of the Child, shocking reports about child abuse continued to be received, many of them from countries that were parties to that instrument. Regrettably, a large number of States had made reservations that ran counter to the Convention's very purpose. Her delegation urged those States parties that had made reservations to review whether they were compatible with article 51 of the Convention and other relevant rules of international law. It was a generally accepted principle that States could

not invoke national law as justification for their failure to comply with treaty obligations. The Nordic countries would continue to reject such reservations, another disturbing effect of which was that they eroded the competence of the Committee on the Rights of the Child.

43. The consideration of the reports of States parties by the Committee was vital to ensuring compliance with the Convention. However, as long as the Committee suffered from scarcity of resources, the Nordic countries were hesitant about creating new reporting systems under non-binding documents.

44. One issue to which the Nordic countries attached particular importance was the right of the child to be protected against exploitation, which they condemned in all its forms, be it the sale of children, child prostitution and child pornography or the exploitation of child labour. They also drew attention to the case of street children, who were particularly vulnerable to all forms of exploitation.

45. The Nordic States endorsed the recommendations of the Special Rapporteur on the sale of children and the need for a multi-disciplinary approach in the creation of preventive strategies to tackle the root causes of the exploitation of children.

46. The growing number of armed conflicts had brought into focus the particularly dangerous situation of children. Persistent reports of children participating as soldiers in armed conflicts in various parts of the world were a matter of grave concern. It was the duty of every State and the international community as a whole to protect children from exploitation as soldiers.

47. Reports from the former Yugoslavia, Somalia, Mozambique and elsewhere on the plight of children in armed conflicts were profoundly disturbing. Testimony of violations of the rights of the child in ongoing hostilities confirmed the conclusions of the Committee on the Rights of the Child at its second session, held in September-October 1992 on the need for urgent measures to protect children in areas of armed conflict. The Nordic countries endorsed the Committee's recommendation to the forty-seventh session of the General Assembly that it should request the Secretary-General to undertake a study on ways to improve the protection of children from the adverse effects of armed conflicts. They also took note of the discussion in the Committee recognizing the importance of an additional protocol on the involvement of children in armed conflicts.

48. Mrs. BAUTISTA (Observer for the Philippines), said that agenda item 24 was of special significance to her delegation, because it reflected the importance, deeply routed in cultural values, that her country attached to the protection of children and the enhancement of their welfare. Her government had ratified the Convention on the Rights of the Child in 1990 and had adopted a wide range of legislation to protect against child abuse, exploitation and discrimination and to fix penalties for violations. For the Philippines, implementation of the Convention was a matter of priority.

49. Turning to the commendable report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1993/67), she

said that it would be useful if one example of each of the various aspects of the sale of children was explained in depth, including the transnational dimension. That would serve to show the ordeal of children who had been sold but who, unlike other human rights victims, could not speak before the Commission. It was to be hoped that such an example would arouse the indignation of the international community and lead to concrete action.

50. Her delegation requested that the phenomenon of the sale of children should be further examined as a continuum so as to show that the distinction made between national and international measures was artificial. Preventive, protective and rehabilitative measures should be seen as an integrated and cooperative effort; that approach would avoid passing the blame to the developing countries.

51. The repulsive practices of illegal transnational adoption and sex tourism involving children must be addressed through strong legislation, but not only in the developing countries. The developed countries had often overlooked clandestine criminal elements that operated between developed and developing countries and preyed on children. One example was the sponsorship of travel for children from developing countries, which seemed to satisfy the legal requirements for issuing a visa to many developed countries. Another concerned poor pregnant women in developing countries who had been paid to travel abroad so that following their delivery, the children could be legally adopted in developed countries. When such women retracted their decision, they could no longer recover their babies because of strict legislation in the developed countries; such legislation must be reviewed. A third appalling example involving the sale of children was their abuse at the hands of sadists in developed countries.

52. Non-governmental organizations (NGOs) must be allowed to help the Special Rapporteur in his task. The Philippines conveyed its appreciation to all NGOs for their efforts to assist children the world over.

53. Mr. YOUSIF (Observer for Iraq) said that the fundamental rights of the child, hitherto fully protected and promoted in his country, not only as a matter of responsibility but as one of principle, since children were the guarantee of a people's future, had suffered a serious set-back as a consequence of Security Council resolution 661 (1990). Children were indeed major victims of the embargo imposed on Iraq; he quoted comparative mortality rates to demonstrate the dramatic decline in their health status because of the lack of food, medication and medical equipment and the destruction wrought on the country's infrastructures: deaths due to malnutrition in January 1989 - 93, in January 1993 - 1,944; to diarrhoeal diseases in January 1989 - 121, in January 1993 - 1,380; to respiratory diseases in January 1989 - 139, in January 1993 - 1,789.

54. If the sanctions imposed on Iraq had led to disruption in the programme of free school meals and the distribution of low-cost milk, and to astronomically inflated prices which placed even essential foodstuffs like eggs beyond the reach of most families, there was something even more grotesque in the refusal to allow Iraq to import such cultural basics as pencils and school exercise-books for fear that they might be put to military uses. The denial - on similar grounds - of access by Iraqi children to modern

teaching aids and scientific toys found in many other countries was a serious impediment to their learning and playing, and amounted to a new form of racial discrimination that kept them apart from the cultural mainstream of an increasingly interdependent world, trapped them in a backwater of tribulation and jeopardized their chances of a prosperous future based on the values of friendship and tolerance for other peoples. That state of affairs could only be a cause of dangerous tensions in years to come.

55. He commended to the attention of the Commission the notes verbals addressed by the Permanent Mission of Iraq to the Centre for Human Rights and reproduced in documents E/CN.4/1993/95 and 99. It was greatly to be hoped that the Commission, having heard the appeals of numerous non-governmental organizations and notably the Union of Arab Jurists, would decide on positive action to alleviate the suffering of Iraqi children, bearing in mind on the one hand the provisions of article 11 of the International Covenant on Economic, Social and Cultural Rights, and especially the reference therein to the importance of international cooperation in the realization of the right to adequate standards of living, and on the other hand the responsibility for international peace and security conferred on the Security Council under article 24 of the Charter of the United Nations.

56. Mrs. REICHLIN (Observer for Switzerland) said that the instrument of ratification of the Convention on the Rights of the Child would be set before the Swiss Parliament at the end of 1993, or early in 1994 at the very latest. Consultations at all levels throughout the country had demonstrated the general support enjoyed by the Convention. The authorities had been impressed by the reports of the Special Rapporteur on the sale of children, child prostitution and child pornography, and found his recommendations to be most pertinent. They endorsed in particular the proposal for an intersectoral dialogue based upon the idea of a "development consortium for child rights" involving humanitarian aid organizations as well as financing agencies such as the World Bank or the International Monetary Fund: the rights of the child should figure more prominently in any development strategy. The proposed establishment of a "child-media action forum" deserved careful consideration.

57. She noted the Special Rapporteur's call for three strategies of prevention, protection and rehabilitation in curbing the sale of children, child prostitution and child pornography. In the short term, protection could be improved through more rigorous application of existing laws; long-term planning should involve the preparation of new national and international instruments. Concerning the sale of children in particular, she called attention to the two Hague Conventions, on inter-country adoptions and on the civil aspects of international child abduction, which gave more detailed substance to the general principles set out in the Convention on the Rights of the Child. Effective legal implementation also implied closer links between national police and immigration authorities and INTERPOL, and improved cooperation between the central and local levels of national administrations.

58. Repression alone could not put an end to the abuse of children. Switzerland was particularly concerned with the development of preventive activities, involving on the one hand more candid education of children, the potential victims, and on the other hand the development of a sense of responsibility on the part of potential child abusers. A national programme

had been launched to alert future tourists to the question of sexual exploitation of women and children in certain developing countries. Well aware that poverty was a root cause of violations of the rights and dignity of children, Switzerland had for many years provided financial backing for UNICEF's activities.

59. The plight and above all the terrible vulnerability of street children deserved the closest attention. International institutions and non-governmental organizations were doing much on their behalf, but that should not be allowed to divert attention from the responsibility of States, who should be accountable to the Committee on the Rights of the Child for their actions in the domain of protection, assistance and integration.

60. Unhappily, there was as yet no sign of an absolute end to child abuse. Nevertheless, the establishment in 1990 of the mandate of the Special Rapporteur had marked an important initial step on the part of the international community in truly addressing a phenomenon as melancholy as it was universal. Switzerland, which hoped that States would be willing to take the next step, which was to adopt the recommendations by the Special Rapporteur, would do all in its power to promote that objective.

61. Mr. di ROMAGNANO (Observer for Italy), endorsing the statement made by the observer for Denmark on behalf of the European Community and its member States, welcomed the number of ratifications of the Convention on the Rights of the Child, but joined in the concern expressed at the large number of reservations made to various provisions, and even to provisions concerning the implementation of the Convention; that matter should be further considered by the Commission, and measures to address the issue should be envisaged.

62. Italy noted with appreciation the first steps taken by the Committee on the Rights of the Child, and looked forward with interest to further developments, notably with regard to the consideration of reports by States parties. In the encouragement of international cooperation and the identification of measures to be taken to ensure full implementation of the standards set forth in the Convention, there must be a careful balance of responsibilities for ensuring enjoyment of the rights in question between the family, the society and the State. Bearing in mind that the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights acknowledged the role of the family to be of primary importance, it was essential that the family environment should be preserved and protected to the extent possible, and that the family be assisted in ensuring the protection of the child. Even when a marriage was dissolved, children should be guaranteed the right to have personal relations with both parents on a regular basis. In Italy, several recent cases where Italian citizens separated or divorced from their foreign spouses were unable to see their children living in different parts of the world, had given rise to serious public concern. Recurrent violations of the rights of children to maintain personal contacts with both parents should be considered by the Committee on the Rights of the Child as part of its monitoring activities, or by other United Nations bodies in their respective fields of competence.

63. Ms. BRON (World Organization Against Torture) said that although efforts were apparently being made in Brazil - a country of particular concern to the

organization on whose behalf she spoke - to put an end to the assaults on street children, the number of murders and cases of violence seemed to be increasing. Those responsible were only slowly brought to justice, while the law was disquietingly effective in accusing and sanctioning those who undertook to defend the victims.

64. Of course, children in other countries, too, had been orphaned and rendered homeless as a result of ill-conceived development projects, wars or internal conflict. She referred in particular to Haiti, where they had perhaps suffered even more because of the ousted President's demonstrated concern for them; to Guatemala, where the effects of government negligence were compounded by abuses on the part of the special police force and paramilitary groups; to Turkey, where there were all too many cases of torture and death under detention involving minors of both sexes, notably of Kurdish origin, although violence from other sources, including opposition quarters, must be condemned as well and the suffering caused by bombardments and other repressive actions deplored; to East Timor, where innocent children and adolescents had paid a heavy tribute during 16 years of occupation, and especially at Dili on 12 November 1991; and to the isolated valley of Kashmir in India, the source of many alarming reports.

65. Notwithstanding all the provisions of international instruments supposedly guaranteeing their safety, during the past 10 years 1.5 million children had been killed and 4 million mutilated in wars; 5 million had found themselves in refugee camps; and more than 12 million had been orphaned and rendered homeless. Even worse, perhaps, was the forced recruitment of children - some of them barely more than six years old - as actual combatants: such appeared to be the case in Mozambique, Liberia, Angola, Sudan, Sri Lanka, Myanmar and Guatemala. The World Organization Against Torture endorsed the appeal by the Committee against Torture to the Secretary-General to consider the question of suspending from membership of the United Nations any State which compelled citizens under the age of 18 to bear arms.

66. Finally, she voiced her organization's grave concern at the reservation made by Myanmar to article 37 of the Convention on the Rights of the Child, which opened the way to the infliction of unlawful or arbitrary arrest, detention or imprisonment, as well as torture or other cruel, inhuman or degrading treatment or punishment, on children. Questioning the compatibility of that reservation with article 51 of the Convention, according to which reservations incompatible with its object and purpose must not be permitted, she noted with regret that only three States had raised muted objections in that connection. To allow Myanmar's reservation to stand would be to compromise the Convention itself; Myanmar should be urged by all the States parties to abandon its position.

67. Ms. BLOEM (World Federation of Methodist Women), addressing the Commission on behalf of Anti-Slavery International, International Council of Jewish Women, International Council of Social Welfare, International Council of Women, Women's International League for Peace and Freedom, World Union of Catholic Women's Organizations, Zonta International and her own organization, called particular attention to the gulf between theory and practice with regard to protection of the rights of children and adolescents in Brazil,

quoting on the one hand from article 227 of the Federal Constitution (1988), and on the other from the proposals formulated by children themselves, participants in a congress of street children held in Brasilia in November 1992.

68. She welcomed the tabling of a draft resolution on the subject of street children, sometimes described as "workers", sometimes treated as "waste", but in all cases the product of socio-economic factors and to be found in developed and developing countries alike.

69. Commending the reports and recommendations by the Special Rapporteur on the sale of children, child prostitution and child pornography, she called attention to the fact that a subgroup of the NGO Group for the Convention on the Rights of the Child, had produced a brochure explaining the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography. The ratification of the Convention by 126 countries was gratifying, although not all of them had adapted their domestic legislation in consequence. What was urgently needed now was a narrowing of the gap between de jure and de facto recognition and protection of the rights of children. To that end, the non-governmental organizations on whose behalf she spoke asked Governments: to adopt urgently the recommendations of the Special Rapporteur, and ensure in particular law enforcement and police training, independent of the economic climate; to extend more invitations, and provide the necessary resources, for field visits by the Special Rapporteur; to report regularly - annually if possible - on the implementation of the programme of action she had referred to, via the Working Group on Contemporary Forms of Slavery, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Committee on the Rights of the Child; and to listen carefully to children's attempts to participate in the formulation of programmes and policy. They further requested the Secretary-General to secure financial resources to enable the Special Rapporteur on the sale of children, child prostitution and child pornography to attend sessions of the Working Group on Contemporary Forms of Slavery and of the Committee on the Rights of the Child, and called for children's and women's rights to be fully debated at the World Conference on Human Rights.

70. Lastly, they invited the Commission to reconsider its methods of work and to decide that, at future sessions, item 24 would be taken up earlier, so that the problems of children, who were the hope of the world and, indeed, the future of the Commission itself, might receive the attention they deserved.

71. Ms. LECOURT (International Association for the Defence of Religious Liberty) said that her organization wished to draw attention to the plight of the 100 million street children worldwide. The ratification of the Convention on the Rights of the Child by a large number of Governments was to be commended; however, those good intentions were all too often not backed up by the political will to implement its provisions. Now that the Convention had been in existence for nearly three years, the time had come to review its effectiveness.

72. As an example she cited the case of Juanito Jose da Silva, a street boy in Rio de Janeiro, who had been cared for by a children's refuge in the city. When the British Prime Minister, John Major, had visited the shelter, Juanito

had been chosen to perform a traditional dance before the world's television cameras. Juanito may not have known about the United Nations Convention on the Rights of the Child; he did know about the danger of the streets. Three months after Mr. Major's visit, Juanito was shot dead in the street - probably a victim of random violence. When the British-based charity Jubilee Campaign had made initial inquiries into the incident, it had been disturbed to learn that Juanito's death had not been recorded for weeks, and that several months later there was still no police inquiry. Jubilee Campaign was pressing the British Prime Minister and members of the House of Commons All Party Parliamentary Group on Street Children to pursue the case of Juanito. All those present would be judged severely by history if his death were allowed to pass unnoticed. All available energies and resources must be harnessed in order to protect children like Juanito around the world. If that tragic event were to act as a spur to greater vigilance and commitment, then perhaps his death would not have been entirely in vain.

73. Elsewhere in Brazil, the killing of street children continued. Sao Paulo University's Unit for Studies of Violence and the Centre on Marginalized Population of Rio de Janeiro reported about 100 children murdered each month in those two cities, an estimated 70 per cent increase over 12 months. In Guatemala, the child-care agency Casa Alianza had reported an 80 per cent increase in violence against children during 1992. In the Philippines, Father Shay Cullen and Jubilee Campaign had published a 132-page dossier documenting sexual exploitation in Olongapo City, described as the world's largest brothel. In Olongapo, young children were prey to paedophile groups, including many foreigners. The report contained evidence that a report by the United States Navy Investigation Bureau revealing that children as young as four were being sold for sex with United States sailors had been suppressed by the local authorities, and that no action had been taken. In the past decade, 108 cases of sexual abuse had been filed against United States servicemen in the Olongapo Prosecutor's Office, most of which had either been resolved in favour of the servicemen or settled out of court. In Thailand, a booming sex industry exploited and enslaved young children as well as women, and sex tourism had now become more profitable than drug trafficking or illicit arms deals. Throughout the world, children were being exploited, starved, sold into slavery, forced into prostitution, compelled to participate in violent conflicts, brutalized, maimed, tortured and murdered. Even Western nations were not exempt from that extraordinary phenomenon; in the United Kingdom, two 10-year-old children had recently abducted and battered to death a two-year-old child.

74. By the year 2000, half the world's population would be under 25 years old, 35 per cent of the total population in developing countries would be under 14 years old, the number of abandoned children was expected to double, and, for the first time, more people would live in cities than in rural areas. The implications of those statistics were chilling. An immediate and coordinated response was needed to address the phenomenon of the world's street children.

75. Her organization wished to put forward some specific recommendations. First, it urged Governments to comply with the objectives of the United Nations Convention on the Rights of the Child in order to ensure that children at risk were protected. Secondly, it called on authorities to uphold

General Assembly resolution 47/126. It also urged Governments to investigate and prosecute perpetrators of violence against children, with particular reference to organized death squads and the killing of street children. It called on authorities to protect children at risk from sexual exploitation and abuse, and to investigate and prosecute those guilty of crimes against children, including the sale of children, child prostitution, child pornography, child slavery and trafficking of children's organs.

76. Her organization also urged the Commission to express concern at the use of child soldiers and child labour; to encourage and support agencies and organizations working with street children who were the victims of violence and exploitation; to call on leaders to establish social and economic projects to promote and establish a preventative programme of health care; to support non-governmental organizations that had established projects to keep minors off the streets; and to acknowledge global responsibility for the phenomenon of street children in urban landscapes.

77. Ms. MOLINA (Commission for the Defence of Human Rights in Central America - CODEHUCA) said that, although all the Governments of Central America had now ratified the Convention on the Rights of the Child, millions of children in Central America continued to be exposed to the danger of armed conflicts. The Commission must look carefully into the social, economic, political and cultural causes of the problems that wrought such havoc on that most vulnerable sector of society.

78. Although social injustice was an age-old phenomenon in Central America, it had recently been intensified as a result of the diversion of budgetary resources from the health and education sectors to the international financial institutions. That reduction in public expenditure resulted in higher infant mortality, the resurgence of diseases that had been eradicated, malnutrition and homelessness among children.

79. Almost 90,000 children died each year in Central America, the majority of them from diseases that could be prevented. One in 10 children in Central America died before the age of five, and two out of every three survivors suffered from malnutrition. In Guatemala, El Salvador and Honduras, four out of every five children were in that situation. The United Nations Development Programme's Human Development Report 1991 stressed the need to channel military expenditure into social spending. But it also drew attention to the reluctance of some Central American Governments to demilitarize, on the grounds that conditions of war persisted in the region. CODEHUCA believed that pressure must be exerted on all Central American Governments to devote expenditure to social programmes rather than weaponry.

80. The tragic situation of street children in Guatemala deserved special mention. According to a report in the 6 August 1992 edition of El Gráfico, there were more than 15,000 street children in Guatemala, some of them originally from Nicaragua and El Salvador. Many were orphans, while others had been abandoned or were handicapped. They scavenged for food on rubbish tips and slept under parked cars. Bruce Harris, Director of Casa Alianza, had produced photographic evidence of the ill-treatment of those children by police or civilians. Casa Alianza had reported that 70 cases against

government agents had been dismissed. He cited the case of Nahaman Cardona López, a 13-year-old Salvadorian immigrant who had taken refuge in Guatemala. Apprehended by police while sniffing glue, he had been beaten up and had died in hospital several days later. After two years, as a result of international pressure, those responsible for his death had finally been brought to justice.

81. In El Salvador, a number of minors had died in the course of the past year as a result of torture. With the ending of the armed conflict, half a million children orphaned or crippled in the war looked for assistance from the Government and for solidarity from the international community. In Nicaragua, too, almost half a million children roamed the streets, banding together for survival. Altogether, from Mexico to Panama, six million children were looking to Central American Governments to include them in social programmes that would treat them as human beings, and to seek urgent means of implementing the Convention on the Rights of the Child.

82. Ms. ELLIOTT (Friends World Committee for Consultation) said that, as Quakers, members of her organization were opposed to all use of armed force, but that their concern about the involvement of children in armed conflict was shared by many who were not pacifists. That children as young as six years old were allowed, encouraged or even recruited to fight was an outrage. The recruitment of children under the age of 15 years, whether into governmental or non-governmental armed forces, was prohibited by the 1977 Protocols Additional to the Geneva Conventions of 1949 as well as by the Convention on the Rights of the Child. The recruitment of children below that age should therefore be considered as inhuman treatment. Coercion or deliberate brutalization of children to make them kill was not only a violation of their liberty and security of person, but might also amount to torture.

83. Quakers welcomed the fact that the Convention on the Rights of the Child set a minimum age for recruitment into armed forces, while continuing to regret that the age specified was lower than that generally accepted as the age of majority. They commended the Governments of Argentina, Austria, Colombia, Germany, Spain and Uruguay which, on becoming parties to the Convention, had made unilateral declarations that they would not recruit those under the age of 18 years into their armed forces; it was to be hoped that others would follow that example. Her organization urged the Commission to support the call of the Committee on the Rights of the Child for an optional protocol to the Convention making 18 years the minimum age for recruitment into armed forces and strengthening governmental responsibility for ensuring that children below that age did not take part in hostilities. Quakers urged that Committee to ensure that reports by States included information on recruitment practices, and welcomed the inclusion of information on the exploitation of children through their use in armed conflict in the report submitted by the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1993/67). The Sub-Commission's Working Group on Contemporary Forms of Slavery should continue to study the question of recruitment of children into governmental and non-governmental armed forces. Lastly, Quakers strongly supported the request of the Committee

on the Rights of the Child for a study by the Secretary-General on ways and means to improve the protection of children from the adverse effects of armed conflict.

84. Mr. Flinterman (Netherlands) took the Chair.

85. Mr. BANDIER (International Association of Educators for World Peace) welcomed the fact that, after more than 30 years of efforts, the Convention on the Rights of the Child at last set forth certain principles common to all human kind, although he regretted that the concept of duty had not been more fully developed therein. Unfortunately, however, it had to be acknowledged that no positive progress had been made in that sphere since the adoption of the Convention on 28 November 1989. In a large number of countries, children continued to suffer from the effects of underdevelopment caused by poor management of natural resources, in the form of a dramatic worsening of inequalities that bred all manner of conflicts. The provisions of the Convention would not have their full effect until global solutions were found, enforced and respected by the highest authorities of all countries.

86. Unfortunately, it did not seem that the international community had embarked on the right road to finding those solutions. Listening to the long catalogue of criminal acts denounced at the current session, one could not but experience feelings of powerlessness and frustration, and fears for the future of the world's children, and thus of civilization itself. Since the adoption of the Convention the world had witnessed an escalation of conflicts of every kind and a continuing destruction of values. It was now incumbent on the world's children, who would one day themselves be responsible for the destiny of future generations, to enunciate their vision of a world reflecting their own aspirations.

87. Children were tired of being the innocent victims of fratricidal wars, at the mercy of bloodthirsty dictators and other lawless leaders who had swept aside traditional human values. It was not children and their mothers who fomented war; on the contrary, they were its chief victims. Resolute measures must thus be taken, as a matter of urgency and at the highest level, with a view to putting an end to a situation that had become more and more intolerable. Words must now be backed up by action, so as to alert public opinion worldwide and mobilize goodwill and sound values in the execution of programmes based on concepts common to all human beings, regardless of race, colour, sex, origin or social status.

88. His organization would energetically support an initiative, for which he himself had been responsible, to promote and organize a universal children's summit in 1994, to be entitled "Children Speak to the World". The programme already envisaged a meeting in New York to be attended by several hundred children between the ages of 12 and 17, from all countries and peoples of the world. Those children would speak of their conception of tomorrow's world, and would present a draft resolution and a solemn declaration consisting of a preamble in the form of an indictment, a statement of objectives, a list of proposed strategies and an enumeration of measures to ensure implementation and monitoring of the programmes submitted to the Secretary-General of the United Nations, together with a request to the Secretary-General to arrange

for the text to be circulated to all Heads of State and Government. The event would take place in the context of the celebration of the International Year of the Family.

89. His organization was also deeply concerned at the sufferings of mothers in warring countries. It was currently particularly concerned at the fate of mothers in the former Yugoslavia, so many of whom were seeking to have their children adopted that it was becoming very difficult to process the applications. He requested the Commission to do its utmost to ensure that those mothers, who had already suffered so much, received assurances that their children would not subsequently fall prey to some monstrous trafficking operation.

The summary record of the second part of the meeting appears as document E/CN.4/1993/SR.61/Add.1